

DECLARATION FOR PATENT APPLICATION AUTHORIZATION OF AGENT

As the below named Inventor, I hereby declare that:

My residence, mailing/post office address and citizenship are as stated below next to my name.

I believe I am the original and sole Inventor of the new and distinct plant variety which is claimed and for which a patent is sought on the Invention entitled:

DRACAENA PLANT NAMED 'TARZAN',
the specification of which is filed herewith.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I state that I have discovered in a cultivated area and asexually reproduced the new and distinct plant variety.

I hereby state that the new and distinct plant variety has not been publicly available nor sold anywhere for more than one year prior to the filing of this U.S. Plant Patent application.

I hereby appoint the following agent to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Catherine Anne Whealy, Registration No. 39,419. Address all correspondence to Catherine Anne Whealy, Proprietary Rights International, P.O. Box 220, Tolar, Texas 76476. Address all telephone calls to Catherine Anne Whealy at 1-254-835-5150 or 1-817-219-0777.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Applications: **NONE.**

Priority claimed: **NO**

I hereby claim the benefit under Title 35, United States Code, §120, of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States Applications in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Applic. No.)

(File Date)

(Status - patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: **DONALD E. BROYLES, Jr.**

Inventor's Signature Donald E. Broyles Jr.

Date: 7/31/03

Country of citizenship: **UNITED STATES of AMERICA**

Residence Address: **13805 SW 248th Street, Homestead, Florida 33032**

Mailing/Post Office Address: **13805 SW 248th Street, Homestead, Florida 33032**

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) SMALL BUSINESS CONCERN**

Applicant: **DONALD E. BROYLES, Jr.**
Title: **DRACAENA PLANT NAMED 'TARZAN'**

I hereby declare that I am the owner of the small business concern identified below:

SUNSHINE TROPICAL FOLIAGE, INC.
13805 SW 248th Street
Homestead, Florida 33032

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concern are affiliates of each other when either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in the application identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person make the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

No such person, concern or organization exists.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

SIGNATURE: 
NAME: **SUZANNE BROYLES**, Owner

DATE: 7/31/03

ADDRESS OF PERSON SIGNING: 13805 SW 248th Street, Homestead, Florida
33032